IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SECOND DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 22166 of 2004

Between:

B.K. Goud, S/o. Kistaiah Goud, Hindu,
APSRTC, Nagarkurnool bus Depot, Mahabubnagar District

..... PETITIONER

AND

The Depot Manager, APSRTC Nagarkurnool bus Depot, Mahabubnagar District

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue a writ or order or direction more particularly one in the nature of Writ of Mandamus declaring that the action of the respondent in suspending the petitioner by Order No. 02/95(143)/2004-NGKL dated 23-11-2004 as illegal, bad, arbitrary, unjust and unreasonable by setting aside the same and consequently direct the respondent to allow the petitioner for duties in the APSRTC Nagarkurnool Bus Depot by treating the period of suspension and depot spare as on duty for all purposes and pass such other orders.

Counsel for the Petitioner:MR.P.VENKATESWAR RAO

Counsel for the Respondent: MR.P.VINAYAKA SWAMY

The Court at the admission stage made the following Order:

THE HON'BLE SRI JUSTICE K.C.BHANU

WRIT PETITION NO.22166 OF 2004

ORDER:

The petitioner has been working as a conductor in the A.P.S.R.T.C. When he was conducting the bus on route Wanaparthy to Nagarkurnool on 08.11.2004, a check has taken place and it was found that he had violated the rule 'Issue and Start' and failed to collect the fare and issue tickets to passengers and also failed to close the ticket tray numbers of all denominations in the S.R. sheet upto stage No.10 and the petitioner was placed under suspension by impugned order dated 23.11.2004. Challenging the same, the present writ petition is filed.

Learned counsel for the petitioner contended that the check has taken place before the first stage itself and therefore, the petitioner has not violated the rule 'Issue and Start' and on such a trivial issue, he cannot be placed under suspension. Therefore, he prays to quash the proceedings.

Learned counsel appearing for the respondent contended that it is only a suspension order pending enquiry and hence, there are no grounds to quash the proceedings.

A perusal of the impugned order would reveal that the petitioner had violated the rule 'Issue and Start' and failed to collect the fare and issue tickets to two passengers who boarded the bus at Wanaparthy and bound for Gopalpet and also failed to collect fare and issue tickets to another three passengers, who boarded bus at Wanarparthy and bound for Bijinapply and that he also failed to close the ticket tray numbers of all denominations in the S.R. upto stage No.10.

Whether the check has taken place before the first stage or not and that he failed to close the ticket tray numbers of all denominations in the Statistical

Returns sheet or not are required to be gone into at the time of enquiry. The competency or jurisdiction of the Depot Manager, Nagarkurnool, to place an employee under suspension, is not under challenge. In view of the serious allegations levelled against the petitioner, he was rightly placed under suspension. Therefore, the impugned order does not suffer from any legal infirmities so as to call for interference of this Court.

Hence, the writ petition is dismissed. However, the respondent-Corporation is directed to complete the enquiry within a period of three months from the date of receipt of a copy of this order. No costs.

02.11.2004

usd

To

1. The Depot Manager, APSRTC Nagarkurnool bus Depot, Mahabubnagar District
2. Two CD copies.